

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARISTOCRAT TECHNOLOGIES ET AL,

No. C06-03717 MJJ

Plaintiffs,

**ORDER ON PLAINTIFF'S  
ADMINISTRATIVE MOTION**

v.

INTERNATIONAL GAME TECHNOLOGY  
ET AL,

Defendants.

Before the Court is Plaintiffs Aristocrat Technologies Australia, PTY Limited and Aristocrat Technologies, Inc.'s (collectively, "Aristocrat") Administrative Motion to Strike Defendants' Motion for Summary Judgment of Invalidity (Indefiniteness) or, Alternatively, Deferring Briefing and Hearing Upon Defendants' Motion Until After the Court's Claim Construction Hearing.<sup>1</sup> Plaintiffs contend that Defendants' motion for summary judgment of patent invalidity based on claim indefiniteness is premature. According to Plaintiffs, such an inquiry raises claim construction issues and should therefore be resolved after the Claims Construction hearing. Defendants International Game Technology, Inc. and IGT (collectively, "IGT") oppose the motion, or alternatively, request the Court to hear the Motion for Summary Judgment of Invalidity concurrently with the Claims Construction hearing.

After considering the parties' papers and all other matters presented to the Court, it is hereby

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<sup>1</sup>Docket No. 170.

1 **ORDERED** that:

- 2 (1) The hearing on Defendants' Motion for Summary Judgment of Invalidity on the basis  
3 of indefiniteness is taken off calendar.
- 4 (2) Defendants' reply brief shall be due on the dates that they would be due pursuant to  
5 the originally noticed hearing date.
- 6 (3) The parties shall be prepared to discuss the issue of indefiniteness at the Claims  
7 Construction hearing on May 30, 2007, to the extent those issues relate to the Court's  
8 construction of the disputed claims. The Court will then determine whether a further  
9 hearing on Defendants' Motion for Summary Judgment of Invalidity on the basis of  
10 indefiniteness is appropriate.
- 11 (4) The present hearing date of May 8, 2007 for Defendants' Motion for Summary  
12 Judgment of Invalidity on the basis of abandonment is unchanged by this Order.
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14 **IT IS SO ORDERED.**

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17 Dated: April 20, 2007

  
MARTIN J. JENKINS  
UNITED STATES DISTRICT JUDGE